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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,574	10/17/2000	Mike Daily	HRL048	3531

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TOPE-MCKAY & ASSOCIATES  
23852 PACIFIC COAST HIGHWAY #311  
MALIBU, CA 90265

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/690,574

Applicant(s)

DAILY ET AL.

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15-25, 28-34 and 37-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-64 is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-13, 15-20, 23-25, 28-33, 37-40 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 21, 22, 34 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2683

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 2-13,15-25,28-34 and 37-64 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2683

3. Claims 2-5,8,11-13,15-17,20,23-25,28-31,33 and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Chern et al..

The claimed invention reads on Chern et al. as follows:

Regarding claims 2 and 15, Chern et al. discloses an audio (voice) information transmission device/method (fig.3) for providing audio (voice) information (paragraph 0043 lines 8-14) comprising: a user interface (keypad for dialing) (fig. 1 number 110), a position detection system (GPS) (paragraph 0040, 0084 and fig. 4), an information server (fig. 2 number 136), and a playback manager (server sends a prerecorded or synthesized outgoing responses) (paragraph 0053 lines 1-14), wherein, the user interface provides a user with an ability to submit queries to a database (paragraph 0049 through paragraph 0053 line 14), and further provides location-specific information back to the user (paragraph 0049 through paragraph 0053 line 14); the position detection system is comprised of a variety of complimentary devices (satellites) (paragraph 0084 and fig. 4); the information server provides a means for communicating the queries and the position data to the database (paragraph 0049 through paragraph 0053 line 14), and further provides a means for communicating references to the playback manager (paragraph 0049 through paragraph 0053 line 14); and the playback manager provides a means for delivering location-specific information to the user interface (paragraph 0049 through paragraph 0053 line 14) wherein said position detection system provides orientation data (i.e. location/positioning data from a constellation of satellites) to assist with user-generated queries (paragraph 0040,0084 and paragraph 0085).

Regarding claim 37, Chern et al. discloses a method (fig. 3) for information delivery (paragraph 0043 lines 8-14, paragraph 0049 through paragraph 0052) comprising acts of choosing a user specified specific geographic location by utilizing a position detection system (fig. 2 numbers 136 and 138) (paragraph 0050 through paragraph 0053), wherein the user-specified geographic location is a user

Art Unit: 2683

position (paragraph 0050 through paragraph 0053); querying a database (server) based upon the user specified geographic location (paragraph 0050 through paragraph 0053); and returning data associated with the user specific geographic location to a user wherein the position detection system further provides user orientation data (restaurants, gas stations or hotels near the user) (paragraph 0050 through paragraph 0053).

Regarding claim 3, Chern et al. discloses said playback manager further provides preference-filtered (refined) information to the user interface (paragraphs 0051 through 0053 line 14).

Regarding claims 4,16,29-30,38, Chern et al. discloses said location-specific information is spatially enhanced based on the user position and orientation data to appear to be coming from a location with which the information is associated (paragraph 0040, paragraph 0063 through paragraph 0065, paragraph 0084 and 0085).

Regarding claims 5,17 and 39, Chern et al. discloses said location specific information is provided to the user as text (text description) (paragraph 0065).

Regarding claims 8,20 and 33, Chern et al. discloses said information server is either a distributed Internet-based information server networked to a plurality of information sources or a dedicated independent server (paragraph 0056)

Regarding claims 11,12, and 23, Chern et al. discloses said user interface is a two-way mobile phone, (paragraph 0032).

Regarding claims 13,24 and 25, Chern et al. discloses to provide location specific information based on an expected user destination determined from the user orientation data (paragraph 0062 through paragraph 0065 line 15).

Art Unit: 2683

Regarding claim 28, Chern et al. discloses an information system (fig. 2) comprising: a database comprise data associated with a plurality of specified geographic location (paragraph 0044); a user interface allowing a user to determine a user specified specific geographic location (paragraph 0040); a position detection system capable of providing the user specified specific geographic location (positioning/location data from a constellation of satellites (GPS) (paragraph 0040, 0084 and fig. 4) and an information server associated with the database and the user interface (paragraph 0043), wherein the information server assists with querying the database upon the user specified specific geographic location and returns data associated with the user specified specific geographic location to the user through the user interface (paragraph 0040 through paragraph 0044 and paragraph 0049 through paragraph 0053); the position detection system (GPS) further provides orientation data to assist with user generated queries (i.e. positioning/location data/longitude and latitude data from a constellation of satellites) (paragraph 0040, 0084 and fig. 4).

Regarding claim 31, Chern et al. discloses data associated with the user specified specific geographic location is provided to the user as text (paragraph 0065 lines 5-10).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2683

5. Claims 6,7,18,19,32 and 40 are rejected under 35

U.S.C. 103(a) as being unpatentable over Chern et al. in view of Dahlen.

Regarding claims 6,7,18,19,32 and 40, Chern et al. discloses an audio (voice) information transmission device as discussed supra in claims 1,17,14,26 and 35 above. Chern et al. differs from claims 6,7,18,19,32 and 40 of the claimed invention in that it does not disclose the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice. Dahlen discloses text is automatically converted from text to a user selected spoken language (col. 3 lines 30-33 and col. 6 lines 20-31) and translated from a spoken language to another spoken language of the user's choice (col. 3 lines 30-33 and col. 6 lines 20-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Chern et al. with the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice in order to provide the user a choice when receiving location information based upon the user's language preference, as taught by Dahlen.

#### ***Allowable Subject Matter***

6. Claims 9,10,21,22,34 and 41, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 9,10,21,22,34 and 41, the prior art of record and applicant

Art Unit: 2683

remarks on page 22 line 25 through page 23 line 29 mailed May 17, 2004, that the prior art of record fails to teach or suggest, alone or in combination wherein said location specific information has an ability to be user-annotated or user-modified.

8. Claims 42-64 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 42, the prior art of record fails to teach or suggest, alone or in combination an audio information transmission device comprising: wherein the location specific information has an ability to be user-annotated or user-modified.

Regarding claim 54, the prior art of record fails to teach or suggest, alone or in combination a method of providing information comprising acts of: wherein the location specific information has an ability to be user-annotated or user-modified.

### ***Response to Arguments***

10. Applicant's arguments filed May 17, 2004 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

11. Argument: Regarding claims 2 and though out, Applicant alleges that the Chen reference does not disclose



Art Unit: 2683

``orientation data'', in light of the ``orientation data'' specified in the applicants specification.

Explanation: Examiner respectfully disagrees because Chen teaches a GPS system that provides orientation data (i.e. location/positioning data from a constellation of satellites) to assist with user-generated queries (paragraph 0040,0084 and paragraph 0085). The examiner only addresses the limitations that are in the claims that are the broadest reasonable interpretation consistence with the applicant's specification.

### *Conclusion*

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Art Unit: 2683

Keith T. Ferguson whose telephone number is (703) 305-4888.

The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson  
Art Unit 2683  
July 28, 2004



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
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